



STANDARD OPERATING PROCEDURE

SOP CODE	SOP TITLE
ZEQ-001-01	SUPPORT TO GENDER VARIANT STAFF MEMBERS

PART 1

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PART 4 (To be filled in by OOTS, QSU or RSSD)

<input type="checkbox"/> This procedure has been revised and is no longer valid as from: (Write date)	<input type="checkbox"/> Date of NEXT REVISION is extended until: (Max. 4 years)	<input type="checkbox"/> SOP rendered obsolete on: (Write date)
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1. Reason for revision

1.1. New SOP

2. Purpose and scope

2.1. This procedure outlines the different UM support services available for gender-variant individuals during the transitioning process. This procedure also offers guidance for staff members providing support to gender variant persons.

3. Definitions

- 3.1. FICS: Faculties/Institutes/ Centres and Schools
- 3.2. GDPR: General Data Protection Regulation
- 3.3. Gender Variant Person: An individual whose gender identity or gender expression is not the same as the sex assigned at birth. This includes persons who do not identify with the traditional male or female gender binary.
- 3.4. OHRM&D: Office for Human Resource Management and Development
- 3.5. SOP: Standard Operating Procedure
- 3.6. Transitioning Individuals: Persons who are currently undertaking, intend to undertake, or have completed steps—including medical, physiological, or social changes—to align their physical appearance with their gender identity.
- 3.7. UM: University of Malta

4. Responsibilities

4.1. Roles and Responsibilities of Gender Variant Person

- Gender Variant individuals have the right to express their identity, be treated with dignity, decide on disclosure, be addressed by preferred names/pronouns, access necessary support services, and request updates to their records.
- Gender Variant individuals are responsible for notifying UM of their support needs and providing UM with updated legal identification documents for record changes when legally required.

4.2. Roles and Responsibilities of Equity Office

- The Equity Office offers support to the UM community ensuring that all staff members and students enjoy the opportunity to participate in any activity or initiative at UM.

4.3. Roles and Responsibilities of Health and Wellness Centre

- Professional support and advice are readily available at the Centre offering different services aimed at enhancing the wellness of UM staff members.

4.4. Roles and Responsibilities of the OHRM&D

- Discuss with the gender variant individual the transition process and assist in the transition support plan.
- Update databases with preferred names and titles.

- Collaborate with Finance, IT Services and Payroll office for necessary updates.

5. Health and Safety requirements

5.1. N/A

6. Procedure

6.1 The Transitioning Process

6.1.1 Transitioning is a unique process of steps that a person takes to live in the gender they identify with rather than the one assigned at birth. In terms of the provisions of the [Gender Identity, Gender Expression and Sex Characteristics Act Cap. 540](#), it is not necessary for individuals to undergo medical intervention to legally **change** their gender identity.

6.1.2 Transitioning can involve a variety of aspects:

- Medical Transition – some people decide to undergo medical treatments, hormone therapy or even gender affirming-surgery.
- Social Transition – Adopting a new name and/or gender in official records, using different pronouns, and changing outward appearance through clothing, hairstyles, or mannerisms to reflect one's gender identity. Communicating to other people about one's gender identity.
- Legal Transition – formally updating identification documents.

6.2 Medical Transition

6.2.1 It is ideal that transitioning UM staff members approach the OHRM&D so that they are appropriately directed and assisted.

- (a) Medical transition-related absence should be considered as sick leave. Existing procedures referring to sick leave are applicable as envisaged in the [Collective Agreement for Administrative, Technical & Industrial Staff](#).
- (b) The OHRM&D and the gender variant staff member wishing to transition should discuss in advance how much time off the said staff member is likely to need to undergo any medical treatments, keeping in mind that the UM should strive to allow some flexibility. This is required for the UM to plan for any absence and arrange for the takeover of the duties of the concerned staff member where necessary.
- (c) A staff member who is transitioning may request to be redeployed upon their return to work. Where possible, the UM will seek to accommodate such a request, subject to the exigencies of the work concerned and the needs of the UM.

6.3 Social Transition

- 6.3.1 Gender variant individuals may be unwilling to undergo medical transitions. Notwithstanding this they may still wish to modify their external appearance through clothing, hairstyles, jewellery or even makeup. UM is committed to support gender-variant individuals as they begin to publicly present in their affirmed gender. Any necessary communication to the UM community will be handled with care and discretion. This process will be collaborative: the individual will be involved at every stage, and no management or communication plan will be implemented without their explicit consent (Refer to Transition Support Plan 6.5).
- 6.3.2 Gender-variant staff members may be reluctant or unable to change their legal name, but they may still request that the UM addresses them by using their preferred name and pronoun. In such cases the UM officials will honour these preferences even if they may not correspond to that on their identity documents. Staff members should get in touch with the OHRM&D to make the necessary changes. Preferred names and/or titles not supported by legal documentation are to be treated in the same way as nicknames, which are to be recorded in the 'known as' field in the UM's internal IT systems. Preferred names can also be used on internal, non-Official UM Documents.

6.4 Legal Transition

- 6.4.1 Gender-variant persons have the right to legally establish their gender identity by making a declaratory public deed through a notary as provided in Cap. 540. They may express the intention to update their name, gender or use of preferred pronoun (or all of these) on UM records. Changes in the records will reflect legal updates as determined by the relevant state institutions.
- 6.4.2 UM will strive to address such requests with sensitivity and in a timely manner.
- 6.4.3 Any requests for a change in name or gender are to be made in writing to the OHRM&D, accompanied by the original or a certified true copy of one's updated identification document. The UM official assigned to the request will liaise with relevant teams within the Finance Office, OHRM&D (including the Payroll Department) and IT Services. The said official will:
- i) Consider, together with the Staff member making the request, which documents or databases need to be updated; and
 - ii) With the concerned staff member's consent, liaise confidentially with staff in OHRM&D to update personal records in UM databases.

- 6.4.4 An individual's change of legal name and/or gender may require updates to the concerned staff member's personal information related to payroll and social security and relative terms and conditions.
- 6.4.5 A list of documents will be required in the event of a request for changes of name, preferred pronoun or gender.
- 6.4.6 Following the request to change staff records the UM shall:
- (i) Ensure that all records of the gender-variant person are updated with the affirmed gender, new names/s and title upon presentation of official documentation from the relevant authorities;
 - (ii) Store any documents with previous name/s and titles in compliance with its legal obligations whilst ensuring they are kept confidential; and
 - (iii) Provide staff members with the necessary training to ensure supportive and respectful interactions when working with colleagues who are transitioning.

6.5 Transitioning Support Plan

- 6.5.1 Gender-variant people, starting to publicly present in their affirmed gender represents a significant milestone that requires support and cooperation from UM. Staff members are encouraged to approach the Equity Office for guidance and support. Additionally, those that intend to transition/ who are currently transitioning may consult mental health professionals available at the UM Health & Wellness Centre, to develop a support plan. Any necessary communication with other staff members will be managed with sensitivity ensuring that the individual is always involved and agrees with the way UM manages this process.
- 6.5.2 Transitioning UM members of staff should approach the OHRM&D so that they are appropriately directed and assisted. Following are recommendations on how to handle a request for support from transitioning Staff:
- In an initial meeting with gender-variant employee identify key contacts and elements for a Transition Support Plan;
 - Discuss and draw up a timeline for transitioning, with the understanding that timescales may change as necessary;
 - Consider timing issues with respect to the requirement to legally change one's name and update UM records;
 - Examine requests for a change of records to the qualification bodies concerned with respect to qualifications already awarded;
 - When briefing colleagues who are to provide support to the transitioning employees, ensure that they are adequately briefed and trained to handle the matter; and
 - When the transitioning staff members agree with the support plan, action points need to be communicated to Staff for purposes of fulfilment of their duties at UM.

The UM shall:

- Ensure that all records of the gender-variant individual are updated with the affirmed gender, new names/s and title upon presentation of official documentation from the relevant authorities;
- Store any documents with previous name/s and titles in compliance with its legal obligations and will ensure that they are kept confidential; and
- Provide involved Staff with training as required for working closely with a colleague who is transitioning;
- Provide Key Contacts with training as required to ensure that they can offer appropriate support.

6.6 References

6.6.1 Requests for references by current or former staff members at any stage of their transition are to be made directly to the staff member from whom the letter or reference is being requested. The UM official drawing up the reference letter is to provide no indication of any previous name or gender identity of the requesting person and shall refer to such person with their preferred pronoun at the time of the request being made.

6.7 Recruitment and Selection of staff

6.7.1 Recruitment and selection processes can be a source of distress and anxiety for applicants. Selection Board members serving on recruitment/selection boards are to use gender-neutral language and avoid assumptions made on the applicant's gender, unless it is specifically required for the advertised position. A clear statement supporting diversity and inclusion should be included on job advertisements and on the UM website, representing a positive way to communicate UM's inclusive culture.

6.7.2 During the interview process, it is good practice to remember that the applicant's CV may present unexplained gaps or periods in employment that may relate to having experienced transphobia or to their transitioning. It is also important to remember that gender-variant persons can feel anxious about being judged on their appearance. To support any potential gender-variant job applicant, it is helpful for the interviewers to introduce themselves: this opens the space up for an applicant to feel comfortable about sharing their own should they wish to.

6.7.3 A person's gender identity status is protected by the right to privacy. The applicant should not be expected to disclose their gender identity during the application process or at the interview stage.

6.7.4 If official documents are required before commencing employment, the UM should respect a person's confidentiality when asking for an identification document, such

as a passport or a driving licence, in case the person's name or gender have not yet been updated.

- 6.7.5 If an official identity document has been issued by a jurisdiction having no or different legislative provisions to Malta in this area, some flexibility should be considered.

6.8 Confidentiality

- 6.8.1 Gender identity data is protected under GDPR and requires explicit consent for processing.
- 6.8.2 The UM maintains confidentiality unless legally required to disclose information. Disclosure for specific purposes requires the person's consent. Releasing information without consent is a breach of law.
- 6.8.3 Requests for the removal of references to previous gender identity will be honoured where legally possible.

6.9 Discrimination, Harassment, Bullying and Abuse

- 6.9.1 UM maintains a zero-tolerance policy towards all forms of transphobic, homophobic and biphobic harassment, bullying or sexual misconduct, as well as discrimination, harm or threat of harm, or any inappropriate language addressed to any members of the UM community.
- 6.9.2 All reports of discrimination, bullying, harassment victimisation or sexual misconduct will be handled according to the UM [Harassment and Bullying policy](#) and [Sexual Harassment policy](#).
- 6.9.3 Zero-tolerance aims to eliminate undesirable behaviour; bullying, harassment or sexual misconduct has occurred, action will be taken.
- 6.9.4 UM staff are strongly encouraged to follow the [Good Practice in Inclusive Language](#) guidelines to foster a culture of respect and effective communication.
- 6.9.5 Any individual who witnesses bullying, harassment or sexual misconduct has an obligation to report the incident at the earliest opportunity.
- 6.9.6 Staff members experiencing trans-related discrimination or misconduct have the right to initiate proceedings under applicable disciplinary codes and regulations. Staff may also seek advice through their trade union. For emotional support and advice staff members can contact the [Health and Wellness Centre](#) .

6.9.7 Zero-tolerance aims to eliminate undesirable behaviour among Staff members and means that if bullying, harassment or sexual misconduct has occurred, action will be taken.

6.10 Facilities

- 6.10.1 UM is committed to providing gender neutral or gender inclusive spaces representing a sign of inclusion and support to all staff members.
- 6.10.2 All UM staff members have the option to choose the restrooms and changing facilities that align with their gender identity. In these circumstances, other colleagues should respect these choices. If necessary, this decision may be communicated to other colleagues upon consultation and with the consent of the gender-variant person concerned.
- 6.10.3 UM provides gender-neutral facilities accessible to staff members that prefer them to the gendered options. These spaces are not restricted to gender-variant persons and are open to all the UM community.
- 6.10.4 Where gender-neutral facilities are not available, UM will make reasonable adjustments to ensure that gender-variant persons who do not feel comfortable with using gender specific facilities, can have access to other safe and comfortable gender-neutral facilities.

6.11 Dress Code

- 6.11.1 Dress codes should be arranged in a way that gender stereotypes, or binary gender choices, are not reinforced. Gender-variant persons should face no obstacle in dressing in a way consistent with their gender identity and gender expression whilst respecting UM dress codes.

7. References

- 7.1 Collective Agreement for Administrative, Technical & Industrial Staff (2022-2027) [Online], Available at <https://www.um.edu.mt/media/um/intranetstaff/hrmd/policies/CollectiveAgreement20240423.pdf> [Accessed 19 January 2026].
- 7.2 Gender Identity, Gender Expression and Sex Characteristics Act (Chapter 540) (2015), [Online], Available at <https://legislation.mt/eli/cap/540/eng/pdf> [Accessed 19 January 2026].

- 7.3 Good Practice in Inclusive Language Guidelines (2020), [Online], Available at <https://www.um.edu.mt/media/um/docs/about/goodpracticeinclusivelanguage.pdf> [Accessed 19 January 2026].
- 7.4 Harassment and Bullying Policy, (2021) [Online], Available at <https://www.um.edu.mt/media/um/docs/directorates/hrmd/policies/harassmentandbullyingpolicy.pdf> [Accessed 19 January 2026].
- 7.5 Sexual Harassment Policy, (2021) [Online], Available at <https://www.um.edu.mt/media/um/docs/directorates/hrmd/policies/SexualHarassmentPolicy-18Oct2021.pdf> [Accessed 19 January 2026].

8. List of appendices/worksheets

- 8.1. Appendix 1: Forms and Questionnaires
- 8.2. Appendix 2: Relevant Legislation

Appendix 1: Forms and Questionnaires

When designing forms and questionnaires, consider if it is necessary to ask respondents about their sex or gender. Be clear of the reasons why the UM needs this data.

In line with the data protection principle of 'data minimisation', when designing forms and questionnaires, staff should ensure that they are collecting the minimum amount of personal data needed to satisfy the purpose for collecting the data. Additional personal data should not be collected if it is not going to be used. This is especially important when considering whether 'special category data' requires collecting to achieve the stated purpose.

If collection on data on sex, gender or gender identity is needed, then additional options other than 'male' and 'female' should be included to describe someone's gender. Some examples are provided below:

Option 1

What best describes your gender?

- Male
- Female
- Non-binary
- Prefer not to say
- Prefer to self-describe: _____

This option allows the UM to capture data on staff who do not identify as trans, but also do not identify as male or female.

Option 2

Is your gender identity the same as the sex you were assigned at birth?

- Yes
- No
- Prefer not to say

This option allows the UM to know how many people have undergone transitioning and is more helpful to understand if better support at the transitioning stage is needed internally.

Option 3

- *Do you identify as gender variant?*

- Yes
- No
- Prefer not to say
- Prefer to identify as: _____

- *Do you identify as trans?*

- Yes
- No
- Prefer not to say
- Prefer to identify as: _____

Appendix 2: Relevant Legislation

The [Constitution of Malta \(1964\)](#): In Chapter 4 (32), Fundamental Rights and Freedoms of the Individual, it is stated that every person in Malta is entitled to the fundamental rights and freedoms of the individual whatever sexual orientation or gender identity amongst other characteristics. Moreover, it provides protection from discrimination on the grounds of sexual orientation or gender identity in the same chapter (45).

The [Gender Identity, Gender Expression and Sex Characteristics Act \(Cap. 540, laws of Malta\)](#): This act provides for the recognition and registration of the gender of a person. It also regulates the effects of such a change, as well as the recognition and protection of the sex characteristics of a person.

The [Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act \(Cap. 567, laws of Malta\)](#): The act affirms that all individuals have a sexual orientation, a gender identity and a gender expression, and that no particular combination of these three characteristics constitutes a disorder, disease, illness, deficiency, disability and, or shortcoming. The act prohibits the referral to and, or the performance of conversion practices as a deceptive and harmful act or interventions against a person's sexual orientation, gender identity and, or gender expression.

The [Criminal Code \(Cap. 9, laws of Malta\)](#): The code amends and consolidates the Penal Laws and the Laws of Criminal Procedure. In its various amendments it has introduced the terms 'on grounds of gender, gender identity, sexual orientation' in the following provisions:

- article 82A: Criminalising acts of incitement to racial hatred, etc.;
- article 82C: Criminalising the acts of condoning, denying or trivialising crimes against, peace against a group;
- article 83B: Providing for an increase in punishment where offences committed are aggravated by racism or motivated by xenophobia or homophobia; and
- articles 222A/251D/325A: Providing for an increase in punishment for related offences in certain cases.
- *Note that hate crimes on the grounds of gender expression and sex characteristics are covered under Cap. 540.*

The [General Data Protection Regulation \(Regulation \(EU\) 2016/679 – “GDPR”\)](#) and the [Data Protection Act \(Cap 586, laws of Malta\)](#): Gender identity and expression is Special Category data protected under Article 9 of the GDPR, and requires explicit informed consent from the data subject for the processing of such data.